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March 11, 2025

Senator Mark Lawrence, Chair
Representative Melanie Sachs, Chair
Committee on Energy, Utilities, and Technology
c/o Legislative Information Office
100 State House Station
Augusta, ME 04333

Dear Senator Lawrence, and Representative Sachs, and Members of the Committee:

My name is Mark Bergeron, and I live in Topsham, Maine, and I am the Northern New England Area Leader for TRC Companies Planning, Permitting and Licensing team. Thank you for the opportunity to provide testimony in support of LD 810 - An Act Regarding Approval of Transmission Lines.

TRC is a global leader providing environmentally focused and digitally powered solutions tailored to meet the unique challenges of the energy transition. With more than 55 years of proven expertise, our tested practitioners deliver innovative resolutions to the toughest challenges facing our critical infrastructure. With a dedicated workforce of over 8,000 professionals, we offer advisory, consulting, construction, engineering and management services, guiding complex projects from conception to completion. We help our clients adapt, regardless of the climate in which they operate, to achieve enduring, sustainable results while solving the challenges of making the Earth a better place to live — community by community and project by project.

TRC has offices in Augusta, Portland, and Bath, Maine that provide professional services to public and private sector clients in Maine, New Hampshire, Vermont and across the region. Our local team of scientists, wildlife biologists, archaeologists, engineers, inspectors, and permitting specialists assist our clients with a broad array of services needed for development projects to be permitted on the local, state, and federal levels.

Prior to my experience at TRC, I worked for eight years at the Maine Department of Environmental Protection (MDEP), where I lead the Bureau of Land Resources, which was responsible for administering a myriad of state environmental regulations related to wetlands, stormwater, hydropower, mining, and large development projects. The Land Bureau's permitting experts reviewed and issued permit approvals for scores of applications received every year. I was deeply involved in the permitting of grid scale wind energy projects, the state relicensing of hydropower facilities, and Central Maine Power's New England Clean Energy Connect project, a 145-mile-long transmission line providing 1,200 megawatts of renewable energy from Quebec to the New England grid.

Large scale renewable energy and utility projects, including high-impact electric transmission lines, require a multitude of environmental reviews and approvals before construction can begin. These detailed and thorough reviews ensure that environmental regulations are met at each level of agency reviews. On the municipal level, towns require that their site plan regulations are adequately addressed, including such reviews as structure setbacks, lot coverage, noise and lighting impacts, stormwater, and traffic impacts. With long linear projects, it is common for one to two dozen towns to be involved, requiring concurrent reviews at each municipality. On the state level, the MDEP administers the Site Location of Development Act (SLODA, or Site Law) that requires review on over two dozen detailed environmental standards including wildlife impacts, noise, visual impacts, stormwater, and financial capacity. And due to the linear nature of these projects, wetland, stream, and vernal pool impacts are often involved and are also regulated on the state and federal levels. In addition to municipal and MDEP land development

standards, MDEP and the US Army Corps of Engineers (ACOE) have comprehensive regulations and standards for avoiding and minimizing environmental impacts to these natural resources.

Inherently built into each of these environmental reviews is a robust public comment and input process. Applicants for environmental applications are required to provide public notice of the proposed project to abutters, town officials, and others concerned about potential impacts. Towns often require one or more public hearings as part of their site plan review process. MDEP has similar abutter and newspaper notice requirements, including a new notice to abutters within 1,000 feet of a proposed project. Interested parties can request that MDEP hold a full adjudicatory hearing process for Site Law projects, which includes pre-filed testimony, rebuttal opportunities, and additional opportunities for public comment. ACOE welcomes public comment on their applications too. Utilities and developers often supplement required public outreach with additional voluntary public meetings, local public relations staff, open houses, and other means of submitting online comments and concerns on a proposed project.

These multiple layers of town and agency reviews and public input processes often take multiple years to complete. Once a developer decides to proceed with a project, one or more years of studies of existing conditions at the project area, including wildlife and wetland surveys, topographic, and archaeological studies. For transmission lines, multiple alternative routes are analyzed to minimize environmental impacts while meeting the project purposes. And then once environmental applications are submitted, it is common that reviews on the local, state, federal levels can take one to three years before construction can begin. Overall development times can easily reach 3-5 years of approvals and applications prior to beginning construction. Appeals of agency decisions, lawsuits, and voter referendums can also add months or years of delays to projects.

In addition to the environmental permits and approvals required for transmission lines, utilities need to obtain a certificate of public convenience and necessity (CPCN) from the Maine Public Utilities Commission (MPUC) before a transmission line can move forward to construction. This process involves the MPUC determining if there is a public need for the project, considering such items as economics, public health and safety, reliability, and nonwire alternatives. The CPCN review and approval process includes a public hearing and can take one or more years to complete, and it provides substantial technical and economic review of a proposed project. The CPCN process does not override or supersede towns from regulating the siting of a proposed transmission line.

Maine statute (35-A MRSA §3132, 6-C) currently requires that high-impact transmission lines must receive approval of 2/3 of all members of each House of the Legislature prior to construction. This is a duplicative step that is not well-defined in the law, and which often leads to confusion by legislators as to their role in the process. This legislative approval does not replace any of the local, state, or federal reviews, and can lead to additional delays in transmission line projects receiving necessary approvals.

LD 810 proposes that when a high-impact electric transmission line project is proposed by a state agency, the line is deemed to have received the necessary legislative approval. This is a welcome improvement that eliminates the legislative approval step. However, it in no way eliminates any of the stringent environmental standards, reviews, or approvals currently required on the local, state, and federal levels, nor does it affect the CPCN approval process. The timing of the legislative approval is not well defined and can increase risk of projects as other agencies may delay the review or approval of the transmission line project until legislative approval is received. There are several existing environmental and economic reviews and approvals already required for high-impact transmission lines that makes legislative approval an unnecessary step, and eliminating the legislative approval would benefit project timelines and could lead to cost savings to Mainers.

Thank you very much for your consideration of TRC's testimony.

Sincerely,

Mark Bergeron, P.E.
Northern New England Area Leader
TRC Companies